

FILED

October 31, 2011  
NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

GERONIMO E. BANAYAT, JR., M.D.

\*  
\*  
\*  
\*

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon its receipt of a report from the Medical Practitioner Review Panel (the "Panel") detailing findings and recommendations made by the Panel upon the completion of an investigation of care provided by respondent Geronimo E. Banayat, Jr., M.D. to patient K.K. Specifically, the Panel received notice from respondent's medical malpractice insurance carrier that a payment of \$350,000 was made, on respondent's behalf, to settle a civil malpractice action brought by the estate of patient K.K., wherein in which it was alleged that respondent failed to follow-up on a CT scan of the kidney that revealed a mass, resulting in a twenty month delay in diagnosis of renal cell carcinoma.

The Panel considered available information regarding this matter, to include respondent's medical records and testimony that respondent offered when he appeared before the Panel, first pro se on September 24, 2010, and thereafter on

CERTIFIED TRUE COPY

November 22, 2010, at which time he was represented by Michael Keating, Esq. Upon review of available information, the Panel found that respondent commenced providing care to patient K.K. in November 2000. Thereafter, during a hospitalization in January 2001, a C.T. scan of the abdomen without contrast was performed to evaluate a suspected complex cyst of the kidney. The results of the C.T. scan were not available to Dr. Banayat at the time K.K. was discharged on January 16, 2001, however a report of the results of the C.T. scan was thereafter delivered to respondent for follow-up. That report detailed findings of both a "right upper pole renal mass," with a recommendation that an ultrasound be performed for further evaluation, and a "left lower lobe subpleural chest mass," with a recommendation that CT evaluation of the chest be performed.

Respondent testified, when appearing before the Panel, that he discussed both findings with K.K. on an office visit that occurred on February 12, 2001. Respondent's note for that office visit states that he "discussed [the] results of the CT scan with [K.K.]," but the only follow-up referenced in respondent's medical record was for a CT scan of the chest. While the Panel found that respondent thereafter did conduct appropriate follow-up regarding the lung mass that had been found (the lung mass was excised approximately four months later), respondent failed to order any follow-up testing to further seek to evaluate the renal

mass.

Respondent thereafter continued to treat K.K. and saw K.K. for frequent office visits between February 21, 2002 and August 27, 2002 (respondent's records detail thirteen office visits during that time span). Respondent repeatedly obtained blood work (respondent's office records included the results of not less than eight blood tests performed between June 15, 2001 and June 11, 2002), and K.K. was found to have abnormal, elevated BUN and creatinine levels each and every time blood was drawn. Respondent failed, however, to order or perform any follow-up testing to further investigate or treat the kidney mass which had been detected in January 2001, to include, without limitation, failing to refer K.K. to a urologist for evaluation, and failing to order or ensure that K.K. obtained additional imaging studies of the kidney. Respondent's renal cancer was only diagnosed after a second CT urogram (showing a tumor of the right kidney) was performed during a hospitalization in September 2002. K.K. then underwent surgery to remove the tumor, but passed away approximately two and one-half months thereafter.

The Board finds that respondent engaged in gross negligence when, after receiving the results of the CT scan and being made aware of the presence of a kidney mass, he failed to order additional testing and/or otherwise ensure that proper follow-up occurred to evaluate the mass. The Board further finds

that respondent engaged in repeated acts of negligence during the course of his treatment of K.K., based on his failure to have adequately addressed or investigated the cause for continuing abnormal renal function tests (to include elevated BUN and creatinine levels). Based thereon, the Board concludes that grounds for disciplinary action against respondent exist pursuant to N.J.S.A. 45:1-21 (c) (providing that disciplinary action may be taken against a licensee who engages in gross negligence, gross malpractice or incompetence) and N.J.S.A. 45:1-21(d) (providing that disciplinary action may be taken against a licensee who engages in repeated acts of negligence, malpractice or incompetence).

The parties desiring to resolve this matter without need for the filing of an administrative complaint and additional administrative proceedings, and the Board being satisfied that need for such proceedings is obviated by the entry of this Order, and finding that good cause exists to support the entry of this Order:

IT IS on this <sup>31<sup>st</sup></sup> day of October, 2011

ORDERED and AGREED:

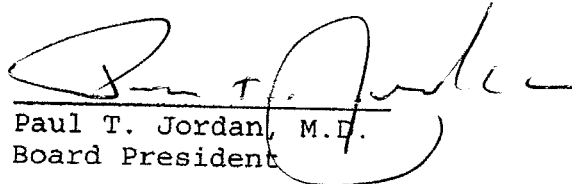
1. Respondent Geronimo E. Banayat, M.D., is hereby formally reprimanded for having engaged in gross negligence in his care of patient K.K., for the reasons detailed above.

2. Respondent Geronimo E. Banayat, M.D. is hereby

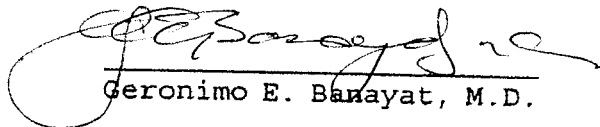
assessed a civil penalty in the amount of \$10,000, which penalty shall be payable in full upon entry of this Order.

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By:

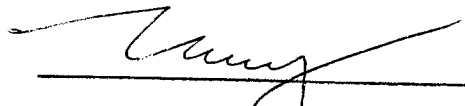
  
Paul T. Jordan, M.D.  
Board President

I consent to the entry of this  
Order by the State Board of Medical  
Examiners

  
Geronimo E. Banayat, M.D.

Dated: 10/20/2011

Consent given to the form of Order  
and its entry by the State Board of  
Medical Examiners

  
Michael J. Keating, Esq.  
Counsel for Dr. Banayat

Dated: 10/20/11